

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

ENRIQUE BANUELOS,

Petitioner,

Case No. 3:11-cv-00896-MMD-VPC

ORDER

12 v.

13 GREG SMITH, et al.,

14 Respondents.

15  
16 This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. §  
17 2254, by a Nevada state prisoner represented by counsel.

18 On October 3, 2013, through counsel, petitioner filed his second amended  
19 petition and supporting exhibits. (Dkt. nos. 29-32.) Concurrent with the filing of the  
20 second amended petition, petitioner brought a motion for leave to file a document under  
21 seal. (Dkt. no. 33.) Petitioner seeks to file under seal a copy of his presentence report  
22 containing confidential information, and submitted the presentence report under seal for  
23 *in camera* review. (Dkt. no. 32.)

24 There is a strong presumption in favor of public access to judicial filings and  
25 documents. See *Nixon v. Warner Communication, Inc.*, 435 U.S. 589, 597 (1978). A  
26 party may have a judicial record sealed by demonstrating compelling reasons that  
27 outweigh the public policy favoring disclosure. See *Kamakana v. City and County of*  
28 *Honolulu*, 447 F.3d 1172, 1178 (9<sup>th</sup> Cir. 2006).

1 The presentence report of petitioner was submitted in support of his second  
2 amended petition. (Dkt. nos. 29 and 32.) The presentence report contains confidential  
3 information concerning petitioner, as defined under NRS 176.156. On balance, the  
4 potential harm to petitioner's interests outweighs the public's right to access the  
5 presentence report. Petitioner has made an adequate showing of compelling reasons  
6 to keep the presentence report sealed. Accordingly, the Court grants petitioner's motion  
7 to seal his presentence report. The presentence report, which was submitted for *in*  
8 *camera* review, will remain sealed.

9 It is therefore ordered that petitioner's motion to seal his presentence report (dkt.  
10 no. 33) is granted. The Clerk of Court shall keep petitioner's presentence report (dkt.  
11 no. 32) under seal.

DATED THIS 4<sup>th</sup> day of October 2013.

  
MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE